



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,903	07/15/2003	Edward G. Hanell	#10386	7703

7590 10/06/2005

John S. Christopher, Esq.
Suite #400
6033 West Century Blvd.
Los Angeles, CA 90045

EXAMINER

KHAIRA, NAVNEET K

ART UNIT	PAPER NUMBER
----------	--------------

3754

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/619.903

Applicant(s)	
---------------------	--

HANELL, EDWARD G.

Examiner

Navneet Sonia Khaira

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on July 15, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 7/15/03.
- 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernstein et al (US 5,960,992) in view of Tallman (4,881,662).

Referring to claim 1, a pouring spout comprising:

a cylindrical inner housing (80, fig 6) having an open top end (fig 6)

a pair of opposing punch blades (97, fig 6) affixed to said cylindrical inner housing (80, fig 10) for insertion into a top surface of a container (col 3, lines39-42), said cylindrical inner housing and said punch blades (96, fig 6) for providing a discharge conduit for said container (col 3, lines39-42);

a projection spur (96,fig 10) formed on each of said punch blades (97, fig 10) for forcing open said top surface of said container(col 3, lines39-42);

an outer safety sleeve (83, fig 10) for covering said punch blades (97)when said punch blades are withdrawn from said top surface of said container, but does not disclose a removable tethered cap with a retainer ring. Tallman teaches the use of a

Art Unit: 3754

tethered cap with a retaining ring surrounding the housing (17, fig 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Tallaman's teaching onto the pouring spout of Bernstein et al in order to secure the cap to the spout portion as taught by Tallman (col 3, lines 45-50).

Referring to claim 2, Bernstein et al further discloses cylindrical inner housing (80, fig 6) comprises an anti-drip collar (80, fig 6).

Referring to claim 3, Bernstein et al further discloses cylindrical inner housing (80, fig 6) comprises a plurality of guide ribs (84, fig 11) for cooperating with said outer safety sleeve (90, fig 10).

Referring to claim 4, Bernstein et al further discloses cylindrical inner housing (80, fig 6) is comprised of plastic (col 4, lines 25-27).

Referring to claim 6, Bernstein et al further discloses opposing punch blades (96) but does not disclose the blades are comprised of stainless steel sheet metal. It would have been obvious to one of ordinary skill in the art to have assumed the blades were made out of metal in order to puncture barrier layers of paperboard.

Referring to claim 7, Bernstein et al further discloses projection spurs (96) is but does not disclose the projection spurs of blades are comprised of stainless steel sheet metal. It would have been obvious to one of ordinary skill in the art to have assumed the blades were made out of metal in order to puncture barrier layers of paperboard.

Referring to claim 8, Bernstein et al further discloses outer safety sleeve (80, fig 11) includes a cylindrical plastic construction (col 1, lines 13-15).

Art Unit: 3754

Referring to claim 9, Bernstein et al further discloses outer safety sleeve (80, fig 11) includes a stabilizer flange (86, fig 6) for enabling said pouring spout to stand vertically when not in use.

Referring to claim 10, Bernstein et al further discloses a raised ring (102, fig 11) formed on said cylindrical inner housing (80, fig 11) for stopping said cylindrical inner housing at said top surface of said container as shown in fig 6.

Referring to claim 11, Bernstein et al further discloses seal washer (60, fig 10) positioned between a raised ring (102, fig 11) formed on said cylindrical inner housing and said top surface of said container (fig 6).

Referring to claim 12, Bernstein et al further discloses a bearing surface (threads fig 11) formed within said cylindrical inner housing (80, fig 11) for supporting and opposing punch blades (97, fig 11).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwamoto (US 5,147,070) in view of Tallman (4,881,662).

Referring to claims 13-15, Iwamoto discloses a pouring spout comprising:

a cylindrical inner housing (1, fig 1) having an open top end (1a, fig 1);

a pair of opposing punch blades (2b) affixed to said cylindrical inner housing (fig 2) for insertion into a top surface of a container (col 1, lines 7-10), said cylindrical inner housing (fig 1) and said punch blades (2b) for providing a discharge conduit for said container (col 2, lines 17-25);

a locking notch (7, fig 4) formed in each of punch blades for securing (10, fig 3) said punch blades (2b) to said top surface of said container, each of said locking notches (7, fig 4) comprises a serrated edge (11a, fig 4) and is rectangular-shaped as shown in fig 4).

an outer safety sleeve (1a, fig 2) for covering said punch blades (2b) when said punch blades (2b) are withdrawn from said top surface of said container (figs 2 and 3), said safety sleeve (1a) being vertically moveable (fig 3) along said cylindrical inner housing (1) but does not disclose a removable tethered cap. Tallman teaches the use of a tethered cap (17, fig 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Tallman's teaching onto the pouring spout of Iwamoto in order to secure the cap to the spout portion as taught by Tallman (col 3, lines 45-50).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3754

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernstein et al (US 5,366,114) in view of Tallman (4,881,662).

Referring to claim 16, Bernstein et al discloses a pouring spout comprising:

a cylindrical inner housing (24, fig 4) having an open top end (24)

a pair of opposing punch blades (2b) affixed to said cylindrical inner housing (fig 2) for insertion into a top surface of a container (col 1, lines 7-10), said cylindrical inner housing (fig 1) and said punch blades (2b) for providing a discharge conduit for said container (col 2, lines 17-25);

an outer safety sleeve (46, fig 5) for covering said punch blades (54,fig 5) when said punch blades (54,fig 5) are withdrawn from said top surface of said container (fig 2), said safety sleeve (46) being vertically moveable along said cylindrical inner housing (24) but does not disclose a removable tethered cap. Tallman teaches the use of a tethered cap (17, fig 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Tallman's teaching onto the pouring spout of Bernstein et al in order to secure the cap to the spout portion as taught by Tallman (col 3, lines 45-50).

Referring to claim 17, Bernstein et al further discloses cylindrical inner housing (2, fig 4) comprises a plurality of vertical guide ribs (46, fig 5) formed thereon.

Referring to claim 18, Bernstein et al further discloses safety sleeve (46, fig 5) further includes a top ring (52, fig 5) having a plurality of slots (47, fig 4) formed therein.

Referring to claim 19, Bernstein et al further discloses said safety sleeve (46, fig 5) further includes a top ring (52, fig 5) having a plurality of slots (47, fig 4) formed therein for cooperating with a plurality of vertical guide ribs (46, fig 5) formed on said cylindrical inner housing (24, fig 4).

Referring to claim 20, Bernstein et al further discloses plurality of projections (47, fig 4) formed within said cylindrical inner housing (24) is comprised of plastic (col 1, line 18).

Citation of Related Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takemura et al (US 4,271,983), Watts (US 766,088), Kishikawa et al (US 5,020,690), references also disclose pouring spouts utilized to open closed containers.

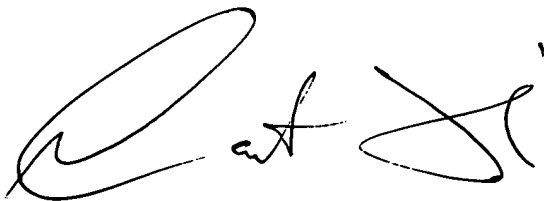
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet Sonia Khaira whose telephone number is 571-272-7142. The examiner can normally be reached on 9am-6:00pm.

Art Unit: 3754

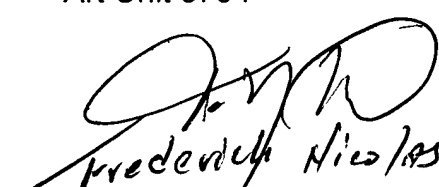
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mar Y. Michael can be reached on 571-272-4906. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



NK

Navneet Sonia Khaira
Examiner
Art Unit 3754



20/1/05
Frederick Nicolas
Primary Examiner
ART unit 3754